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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

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11 LANTZ ARNELL,) Civil No. 08cv0441-LAB (RBB)
12 Plaintiff,)
13 v.) ORDER DENYING MOTION FOR
14 JACK LIEB ESQ. & ASSOC.; JUDGE) RECONSIDERATION OF DENIAL OF
15 WILLIAM MCADAM,) PLAINTIFF'S REQUEST FOR COURT
16 Defendants.) ORDER FOR BANK'S SURVEILLANCE
17 _____) RECORDS [DOC. NO. 25]
18 Plaintiff Lantz Arnell submitted a Request for Court Order for
19 Bank's Surveillance Records and Request for Enlargement of Time to
20 Serve Jack Lieb [doc. no. 21], which was filed nunc pro tunc to
21 July 7, 2008. The Court denied Plaintiff's Request on July 17,
22 2008, finding the bank surveillance records were not relevant to
23 the issues in this case and would not assist Arnell in locating
24 Defendant Lieb for service of process. (Order Denying Req. for
25 Bank Surveillance Records [doc. no. 22] 2.) Plaintiff subsequently
26 submitted a Motion for Reconsideration [doc. no. 25], which was
27 filed nunc pro tunc to July 28, 2008. The Court directed
28 Defendants to file any opposition to the Motion by August 8, 2008,

1 but to date no opposition has been filed. (Mins. Aug. 1, 2008
 2 [doc. no. 26].)

3 In the Ninth Circuit, a motion for reconsideration has two
 4 parts: "First, a motion for reconsideration must demonstrate
 5 reasons why the court should reconsider its prior decision.
 6 Second, a motion of reconsideration must set forth facts or law of
 7 a strongly convincing nature to induce the court to reverse its
 8 prior decision." Donaldson v. Liberty Mut. Ins. Co., 947 F. Supp.
 9 429, 430 (D. Haw. 1996). "Motions for reconsideration should be
 10 granted sparingly because of the interests in finality and
 11 conservation of scarce judicial resources." Pennsylvania Ins.
 12 Guaranty Assoc. v. Trabosh, 812 F. Supp. 522, 524 (E.D. Pa. 1992).

13 "Mere disagreement with a previous order is an insufficient
 14 basis for reconsideration." Hawaii Stevedores, Inc. v. HT&T Co.,
 15 363 F. Supp. 2d 1253, 1269 (D. Haw. 2005). Further, "[a] motion
 16 for reconsideration should not be used to ask the court 'to rethink
 17 what the court has already thought through -- rightly or wrongly.'"
 18 United States v. Rezzonico, 32 F. Supp. 2d 1112, 1116 (D. Ariz.
 19 1998) (quoting Above the Belt, Inc. v. Mel Bohannan Roofing, Inc.,
 20 99 F.R.D. 99, 101 (E.D. Va. 1983)). But, "if the court has made an
 21 apparent error of law . . . [it] has the power under Rule 60(b)(1)
 22 to grant relief from that error." Id. (citing Liberty Mut. Ins.
 23 Co. v. E.E.O.C., 691 F.2d 438, 440 (9th Cir. 1982)).

24 Plaintiff asks the Court to reconsider it's Order pursuant to
 25 Federal Rule of Civil Procedure 60(b)(1), which provides for
 26 reconsideration in cases of "mistake, inadvertence, surprise, or
 27 excusable neglect" Fed. R. Civ. P. 60(b)(1); (Pl.'s Mem.
 28 P. & A. Supp. Mot. for Recons. 1). This rule allows a judge to

1 reconsider a prior ruling "where the judge has made a substantive
 2 mistake of law or fact in the final judgment or order." Cashner v.
 3 Freedom Stores, Inc., 98 F.3d 572, 576 (10th Cir. 1996); see also
 4 Kingvision Pay-Per-View v. Lake Alice Bar, 168 F.3d 347, 350 (9th
 5 Cir. 1999) (stating that a court can correct its own mistakes via
 6 Rule 60(b)(1)). Arnell asserts that the Court erred because its
 7 Order was "a manifest showing of a failure to consider the material
 8 facts." (Mot. for Recons. 1-2.) He argues the Court was incorrect
 9 in finding the bank surveillance videotapes are not relevant to the
 10 claims presented in Arnell's Complaint because the tapes are
 11 evidence of identity theft and fraud, which are the same types of
 12 claims made in the Complaint. (Id. at 2.)

13 Plaintiff's disagreement with the Court's prior order is not a
 14 sufficient basis for reconsideration. See Leong v. Hilton Hotels
 15 Corp., 689 F. Supp. 1572, 1573 (D. Haw. 1988) Arnell does not
 16 point to any clear errors of substantive law that would warrant
 17 reconsideration, instead pointing only to his disagreement with the
 18 Court's conclusion that the bank surveillance records are not
 19 relevant. See Van Skiver v. United States, 952 F.2d 1241, 1244
 20 (10th Cir. 1991) (citations omitted) (stating that Rule 60(b)(1)
 21 provides an avenue for relief based on mistake of law only where
 22 the court commits "obvious errors of law, apparent on the
 23 record[]"). Accordingly, reconsideration of the Court's Order is
 24 not appropriate.

25 The Court also notes that even if it were to reconsider its
 26 prior ruling, Plaintiff has not produced "facts or law of a
 27 strongly convincing nature to induce the court to reverse its prior
 28 decision." Donaldson, 947 F. Supp. at 430. The Court is still of

1 the opinion that bank surveillance tapes which may show the image
2 of an individual who Plaintiff believes to be impersonating a
3 Defendant in this action are not reasonably related to the claims
4 in the Complaint. Accordingly, Plaintiff's Motion for
5 Reconsideration is **DENIED**.

6 **IT IS SO ORDERED.**

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8 DATED: August 18, 2008


9 Ruben B. Brooks
United States Magistrate Judge

10 cc: Judge Burns
11 All Parties of Record

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